

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**JIMMIE CARTER SMITH, INDIVIDUALLY  
AND IN HIS CAPACITY AS ADMINISTRATOR  
OF THE ESTATE OF JIMMIE LEE CARTER  
AND NINA WILLIS CARTER, INDIVIDUALLY  
AND WIFE AND HEIR AT LAW OF JIMMY LEE  
CARTER, DECEASED,**

**PLAINTIFFS,**

**VS.**

**CIVIL ACTION NO. 2:06CV212-P-A**

**CANADIAN NATIONAL / ILLINOIS CENTRAL  
RAILROAD, A/K/A CANADIAN NATIONAL  
RAILROAD, A/K/A ILLINOIS CENTRAL  
RAILROAD; JOHN DINNING, INDIVIDUALLY  
AND IN HIS OFFICIAL CAPACITY AS AN  
EMPLOYEE OF ILLINOIS CENTRAL RAILROAD,**

**DEFENDANTS.**

**ORDER OF REMAND**

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND  
ADJUDGED** that:

(1) Defendant Illinois Central Railroad's motion to strike the plaintiffs' reply brief [15-1] is **GRANTED**; therefore,

(2) Defendant Illinois Central Railroad's motion to strike Exhibit C to plaintiff's reply brief [26-1] is **DENIED AS MOOT**;

(3) Plaintiffs' Motion to Remand to State Court [7-1] is **GRANTED**; therefore,

(4) This case is **REMANDED** to the Circuit Court of Tallahatchie County, Mississippi from whence it came; and

(5) This case is **CLOSED**.

**SO ORDERED** this the 26<sup>th</sup> day of March, A.D., 2007.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE